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International Court of Justice

H1223-0002

IN THE

INTERNATIONAL MILITARY TRIBUNAL

TRIAL BRIEF

ERNST KALTENBRUNNER

For Robert H. Jackson
United States Chief of Counsel

By Whitney R. Harris
Lieutenant, USNR

20 November 1945

Section 6
Legal Staff Trial Organization
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SECTION OF THE INDICTMENT

APPENDIX A

Statement of Individual Responsibility for Crimes Set Out in Counts One, Two, Three and Four.

KALTENBRUNNER:

The defendant KALTENBRUNNER between 1932-1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, a General of the Police, State Secretary for Security in Austria in charge of the Austrian Police, Police Leader of Vienna, Lower and Upper Austria, Head of the Reich Main Security Office and Chief of the Security Police and Security Service. The defendant KALTENBRUNNER used the foregoing positions and his personal influence in such a manner that: he promoted the consolidation of control over Austria seized by the Nazi conspirators as set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the Crimes against Humanity involved in the system of concentration camps.

* * * * *

LEGAL REFERENCE

1. Charter of the International Military Tribunal (1945). Articles 6(a), 6(b) and 6(c).

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INTRODUCTION

As will appear hereafter, the position of highest responsibility attained by the defendant Ernst KALTENBRUNNER in the Nazi State was as Chief of the Security Police and SD, which he held from 30 January 1943 until the end of the war.

By virtue of this position, the defendant KALTENBRUNNER was responsible for the actions of the GESTAPO and the SD and of other departments which came under his direct supervision as Chief of the Security Police and SD. Therefore, this brief should be considered in connection with the brief on the GESTAPO and the SD, particularly in the respect of crimes committed by the Security Police and the SD after KALTENBRUNNER became Chief of the Security Police and SD. In this brief appropriate references will be made to the brief on the GESTAPO and the SD.

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I. KALTENBRUNNER ENTERED THE NATIONAL SOCIALIST MOVEMENT IN ITS EARLY STAGES AND SUPPORTED AND WAS A LEADER IN IT UNTIL THE END.

The defendant, Ernst KALTENBRUNNER, was born on 4 October 1903 at Ried on Inn (near Braunau) Austria. He spent his youth in HITLER's native district. Later he moved to Linz where he attended the State Realgymnasium. He studied law and obtained a law degree in 1926. He spent the first year as apprentice lawyer at Linze on Danube and then worked as a lawyer-candidate first at Salzburg and after 1928 at Linz.

2938-PS. Article in "Die Deutsche Polizei", Num. 10, Berlin, 15 May 1943, p.193.

KALTENBRUNNER joined the Nazi Party and the SS in Austria in 1932. Prior to 1933 he was the District speaker (Gauredner) and legal counsellor (Rechtsberater) of the SS division (Abschnitt) VIII. After 1933 he was theFuehrer of regiment (Standarte) 37 and later of the SS division VIII.

2892-PS. Der Grossdeutsche Reichstag IV Wahlperiode 1938 by E. Kienast.

In January 1934 KALTENBRUNNER was jailed by the Dollfuss government on account of his Nazi views, and sent with other leading National Socialists into the concentration camp Kaisersteinbruch. He is said to have started and led a hunger strike of the prisoners and thereby to have forced the government to dismiss 490 National Socialist prisoners. In the following year he was jailed again because of suspicion of High Treason and committed to the military court at Wels (Upper Danube). After an investigation of many months the accusation of High Treason was dropped, but he was condemned to six months' imprisonment

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for conspiracy. His right to practice law was suspended because of his Nazi activities.

2938-PS. Article in "Die Deutsche Polizei," Nr. 10, Berlin, 15 May 1943, p. 193.

After the spring of 1935 KALTENBRUNNER was the leader of the Austrian SS. In the magazine of the SIPO and SD, issue of 15 May 1943, it is stated:

> "It redounds to his credit that in this important position he succeeded through energetic leadership in maintaining the unity of the Austrian SS, which he had built up, in spite of all persecution, and succeeded in committing it successfully at the right moment. After the annexation in which the SS was a decisive factor, he was appointed State Secretary for Security Matters on 11 March 1938 in the new National-Socialist cabinet of SEYSS-INQUART. A few hours later he was able to report to Reichsfuehrer SS Heinrich HIMMLER, who had landed at Aspern, the Vienna airport, on 12 March 1938, 3 a.m., as the first National Socialist leader, that the Movement had achieved a complete victory and that 'The SS is in formation and awaiting further orders.'"

2938-PS. Article in "Die Deutsche Polizei," Nr. 10, Berlin, 15 May 1943, p. 193.

HITLER promoted KALTENBRUNNER on the date of the Anschluss to the rank of SS Brigadefuehrer and leader of the SS Oberabschnitt Donau. On 11 September 1938 he was promoted to the rank of SS Gruppenfuehrer. During the liquidation of the Austrian national government and the reorganization of Austria into Alps and Danube Districts, he was appointed Higher SS and Police Leader to the governors of Vienna, Lower Danube and Upper Danube, in Corps Area (Wehrkreis) XVII, and in April 1941 was promoted to Major General of the Police.

2938-PS. Article in "Die Deutsche Polizei," Nr. 10, Berlin, 15 May 1943, p. 193.

On 30 January 1943 KALTENBRUNNER was appointed Chief of the Security Police and SD (RSHA), succeeding HEYDRICH, who had been assassinated in June 1942. KALTENBRUNNER held this position until the end of the war.

2644-PS. Affidavit of Otto OHLENDORF, 5 Nov. 1945.

On 4 October 1943 at Pozan, Poland, in a speech delivered to Gruppenfuehrers of the SS, HIMMLER made special reference to "our comrade Obergruppenfuehrer KALTENBRUNNER, who has succeeded our fallen friend HEYDRICH."

1919-PS. Speech of HIMMLER, 3 October 1943, p. 51.

On 9 December 1944 the decoration known as the Knight's Cross of the War Merit, Cross with Swords, was given to SS Obergruppenfuehrer and General of the Police Dr. Ernst KALTENBRUNNER, Chief of the Security Police and the SD.

2770-PS. Befehlsblatt des Chef der Sicherheitspolizei und des SD, edition A, 5th year, Berlin, 9 December 1944, No. 51, p.361.

In addition he held the Golden insignia of Honor and the Blutorden. He was a member of the Reichstag after the 9th election period 1938.

2892-PS. Der Grossdeutsche Reichstag IV, Wahlperiode 1938, by E. Kienast.

Toward the end of the war, KALTENBRUNNER's power increased greatly, especially after the attack on HITLER of 20 July 1944. He gained direct access to HITLER. He was very friendly with FEGELEIN and his wife, who was the sister of Eva BRAUN. So powerful had KALTENBRUNNER become toward the end that even HIMMLER feared him. On 13 April 1945 the chief of the German foreign intelligence service, SCHELLENBERG, asked HIMMLER to receive the representative of the Jewish World Congress, Mr. Storsch, from Stockholm, and HIMMLER said, "But how am I going to do that in regard to KALTENBRUNNER? I shall then be completely at his mercy!"

2990-PS. Affidavit of Walter SCHELLENBERG, 18 November 1945.

II. DURING KALTENBRUNNER'S TERM IN OFFICE AS CHIEF OF THE SECURITY POLICE AND SD, NUMEROUS AND VAST CRIMES WERE COMMITTED BY THE SIPO AND SD IN THE COURSE OF OFFICIAL DUTIES.

As Chief of the Security Police after 30 January 1943, KALTENBRUNNER was the head of the RSHA and the

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regional offices of the GESTAPO, SD, and KRIPO. Directly under KALTENBRUNNER were the Chiefs of the main offices of the RSHA, including Amt III (the SD), Amt IV (the GESTAPO), Amt V (the KRIPO), and Amt VI (the SD in foreign intelligence).

L-219. Organization plan of the RSHA, 1 October 1943.

KALTENBRUNNER had direct responsibility over the offices of the RSHA. All important matters had to be referred to him or had to be handled under general or special authority granted by him to office chiefs.

> "All decision of principle character are signed by the Chief of the Security Police personally. An office chief has only the authority to sign "acting for" and a chairman "by order of" if the subjects treated in the respective decrees fit into the general laid-down principles according to the plan of distribution of authority. In case of doubt it was the duty to get the question cleared up by reporting it to the Chief of the Security Police and SD."

L-34. Affidavit of Edmund TRINKL, chairman of Amt I A 6 of the RSHA, 2 August 1945.

> "To my knowledge no chief of office or any of the officials of the RSHA, authorized to sign, had the right to sign in any principle affairs of particular political significance without consent of the Chief of the Security Police - not even during his temporary absence. From my own experience I can furthermore declare that the chief of Amt IV, MUELLER, particularly was very hesitant in signing documents concerning questions of general nature and in some cases of greater importance, and that he put aside events of such nature in most cases for the return of the Chief of the Security Police, whereby often much time was lost."

L-50. Affidavit of Kurt LINDOW, official in Amt IV and Amt I, RSHA, 3 August 1945.

SCHELLENBERG, the Chief of Amt VI of the RSHA, stated:

> "I know of no limitation placed on KALTENBRUNNER's authority as Chief of the Security Police and SD (RSHA). He promptly entered upon the duties of the office and assumed direct charge of the office and control over the Amts... He made it very clear in his official relations with all of us who were his Amt Chiefs that he was the head of the office exercising full executive powers and deciding all matters of policy. He permitted us to issue directives within the organization in our own names pursuant to fixed

policies established by him, but all important matters had to be submitted to him whether he signed them or we signed them. He was constantly informed of all matters of importance which went on in the entire organization.

2939-PS. Affidavit of Walter SCHELLENBERG, 16 November 1945.

During KALTENBRUNNER's term in office as Chief of the Security Police and SD, the following crimes were committed by the SIPO and SD pursuant to policy established by the RSHA or orders issued out of the RSHA for all of which he was responsible by virtue of his office.

1. Mass murders of civilians of occupied countries by Einsatz Groups.

For general discussion refer to Section VI A of the brief on the Geheime Staatspolizei (GESTAPO) and Sicherheitsdienst (SD). That this crime continued after January of 1943 is shown by the following documents:

3012-PS. Original letter of CHRISTENSEN, 19 March 1943.
2752-PS. Affidavit of Willy LITZENBERG, 7 November 1945.
2890-PS. Extracts from Befehlsblatt of the SIPO and SD, 1944-45.

2. Screening of prisoner of war camps and executing racial and political undesirables.

For general discussion refer to Section VI B of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following document:

2622-PS. Affidavit of Otto OHLENDORF, 5 November 1945.

3. The taking of recaptured prisoners of war to concentration camps where in some cases they were executed.

For general discussion refer to Section VI C of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following documents:

1650-PS. Directive to all State Police Directorates except Prague and Brunn from Chief of SIPO andSD by MUELLER, 4 March 1944.

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L-158. Original order issued by district SIPO and SD Commander, 23 March 1944.
1514-PS. Copy of Order of 27 July 1944 from 6th Corps Area Command on Treatment of PW's.

4. Establishing concentration camps and committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder.

For general discussion refer to Section VI D of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following documents:

D-30. Photostat of order establishing concentration camp at Lublin, 9 April 1943.
D-46. Copy of order designating Herztogenbosch as concentration camp, 13 March 1943.
L-41. Copy of MUELLER's order of 23 March 1943.
701-PS. Copy of letter, 21 April 1943, from the Minister of Justice.

5. Deportation of citizens of occupied countries for forced labor and disciplining of forced labor.

For general discussion refer to Section VI E of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following documents:

3012-PS. Original letter from CHRISTENSEN, 19 March 1943.
1063B-PS. Copy of letter dated 26 July 1943 re establishment of Labor Reformatory Camps, signed by KALTENBRUNNER.

6. The execution of captured commandoes and paratroopers and protection of civilians who lynched Allied fliers.

For general discussion refer to Section VI F of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following documents:

1276-PS. Original top secret letter from Chief of SIPO and SD to OKW/WFST, 17 June 1944.
532-PS. Copy of letter of WFST, 26 June 1944.

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526-PS. Top secret notice on saboteurs, 10 May 1943.

R-110. Original of HIMMLER order of 10 August 1943.

~~L-53~~. 745-PS Copy of letter of 12 June 1944 from Chief of SD, Koblenz.

7. The taking of civilians of occupied countries to Germany for secret trial and punishment.

For general discussion refer to Section VI C of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following document:

835-PS. Letter from OKW to the German Armistice Commission, 2 September 1944.

8. Punishment of citizens of occupied territories under special criminal procedure and by summary methods.

For general discussion refer to Section VI H of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following document:

L-5. Original order of military commander, S.E., 3 September 1944.

9. The execution and confinement of persons in concentration camps for crimes allegedly committed by their relatives.

For general discussion refer to Section VI I of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following document:

L-37. Original of letter by Commander, SIPO and SD, Radom, 19 July 1944.

10. Seizure and spoliation of public and private property.

For general discussion refer to Section VI K of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following documents:

2620-PS. Affidavit of Otto OHLENDORF, 5 November 1945.

L-18. Report to General of Police KRUEGER on the solution of Jewish problems in Galicia, 30 June 1943.

11. Murder of prisoners in SIPO and SD prisons.

For general discussion refer to Section VI J of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following document:

L-53. Letter from Kommandeur, SIPO and SD, Radom, 21 July 1944.

12. Persecution of Jews.

For general discussion refer to Section VII A of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following documents:

L-18. Report to General of Police KREUGER on the solution of Jewish problems in Galicia, 30 June 1943.

1061-PS. Official report of STROOP, SS and Police Leader of Warsaw on clearance of Warsaw Ghetto, 1943.

2375-PS. Affidavit of Rudolf MILDNER, 22 June 1945.

~~839-PS~~ 2605-PS. Affidavit of Dr. Rudolf KASTNER, September 1945.

13. Persecution of the churches.

For general discussion refer to Section VII B of the brief on the GESTAPO and SD. That this crime continued after January of 1943 is shown by the following document:

1815-PS. Original GESTAPO file of reports re surveillance of churches by GESTAPO and SD.

III. KALTENBRUNNER HAD DIRECT KNOWLEDGE OF AND RESPONSIBIL FOR THE COMMISSION OF MANY SPECIFIC CRIMES.

1. KALTENBRUNNER was fully cognizant of conditions in concentration camps and of the fact that concentration camp were used for slave labor and mass murder.

Mauthausen concentration camp was established in Austria while KALTENBRUNNER was the Higher SS and Police Leader for Austria, and was frequently visited by KALTENBRUNNER before he was appointed Chief of the Security Polic and SD.

L-51. Affidavit of Adolf ZUTTER, 2 August 1945.

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On the occasion of one such visit in 1942, KALTENBRUNNER personally observed the gas chamber in operation.

2753-PS. Affidavit of Alois HOELLRIEGL, 7 November 1943.

After he became Chief of the Security Police and SD, KALTENBRUNNER visited Mauthausen concentration camp but with less frequency.

L-51. Affidavit of Adolf ZUTTER, 2 August 1945.

On one occasion he made an inspection of the camp grounds with HIMMLER and had his photograph taken during the course of the inspection.

2641-PS. Photographs of KALTENBRUNNER, HIMMLER, and others at Mauthausen concentration camp.

After a visit to Mauthausen in 1944 KALTENBRUNNER reported to his Amt Chiefs with pride that he had helped to build up Mauthausen when he was Higher SS and Police Leader in Austria and that the camp was engaged in valuable armament work.

2990-PS. Affidavit of Walter SCHELLENBERG, 18 November 1945.

Mauthausen concentration camp was classified by HEYDRICH in January 1941 in category III, a camp for the most heavily accused prisoners and for a-social prisoners who were considered incapable of being reformed.

1063A-PS. Order of Chief of Security Police and SD of 2 January 1941.

There were frequent conferences between the RSHA and executives of the SS Wirtschaft and Verwaltungshauptamt who had charge of the internal administration of concentration camps. The affidavit of Rudolf MILDNER states with respect to these conferences:

> "SS Obergruppenfuehrer Dr. KALTENBRUNNER attended personally conferences with SS Obergruppenfuehrer POHL, Chief of the SS Wirtschaft and Verwaltungshauptamt and Chief of the concentration camps. Due to these conferences and through talks with the Chief of Office Gruppenfuehrer MUELLER of Amt IV and Gruppenfuehrer NEBE of Amt V, the Chief of the Security Police and SD, SS Obergruppenfuehrer Dr. KALTENBRUNNER, must have known the state of affairs in the concentration camps."
>
> L-35. Affidavit of Rudolf MILDNER, 1 August 1945.

2. With full knowledge of conditions in and the purpose of concentration camps, KALTENBRUNNER ordered or permitted to be ordered in his name the commitment of persons to concentration camps.

All orders for protective custody other than short term confinements were issued in the name of KALTENBRUNNER as Chief of the Security Police and SD and were the facsimile stamp of his signature.

> 2477-PS. Affidavit of Willy LITZENBERG, 4 November 1945.

The commandant of Buchenwald concentration camp in his affidavit states:

> "With the exception of the mass delivery of prisoners from the concentration camps of occupied territories, all prisoners were sent to the concentration camp Buchenwald on orders of the Reichssicherheitshauptamt, Berlin. These preventive arrest orders (red blanks) were in most cases signed with the name KALTENBRUNNER. The few other preventive arrest orders were signed with "Foerster".
>
> L-38. Affidavit of Hermann PISTER, 1 August 1945.

On 7 July 1943 an order for protective custody was issued by the GESTAPO (Amt IV C 2, RSHA) bearing the facsimile signature of KALTENBRUNNER, to be sent in the form of a telegram to the GESTAPO office in Köslin in the case of a woman whose offense was stated to be failure to work, work sabotage,

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and a-social conduct, and she was ordered to be confined in the concentration camp at Ravensbrueck.

2745-PS. Original order for commitment to concentration camp, 7 July 1943, KALTENBRUNNER's signature.

On 19 January 1944 a warrant for protective custody was issued by the GESTAPO (Amt IV C 2 of the RSHA) certified as signed by KALTENBRUNNER, to a British subject, C.S.James, on the grounds that he had been proved to be guilty of activities to the detriment of the German Reich and there was reason to expect that he would, if released, commit acts prejudicial to the Reich.

1574-PS. Warrant of 19 January 1944 for protective custody.

Other instances of commitments to various concentration camps on orders, signed by KALTENBRUNNER, are contained in the dossiers of 25 Luxembourgers committed to concentration camps by the Einsatzkommando of the SIPO and SD in Luxembourg during the year 1944. The concentration camps to which the persons were committed included Dachau, Natzweiler, Sachsenhausen, and Buchenwald. Among the grounds were: "strongly suspected of working to the detriment of the Reich," "spiteful statements inimical to Germany as well as aspersions and threats against persons active in the National Socialist movement," "strongly suspected of aiding desertion," "as relative of a deserter expected to take advantage of every occasion to harm the German Reich."

L-215. Dossier of 25 Luxembourgers committed to concentration camps at various times in 1944.

Further orders for commitments to concentration camps are contained in a file of 42 telegrams, all issued by the RSHA, Amt IV A 6, Prague, to the GESTAPO Office at Darmstadt, and all signed by KALTENBRUNNER, during the period from 20 September 1944 to 2 February 1945. The concentration camps to which people were sent included

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Sachsenhausen, Ravensbrueck, Buchenwald, Dachau, Bergen-Belsen, Flossenburg, and Theresienstadt. Nationalities included Czech, German, French, Dutch, Italian, Corsican, Lithuanian, Greek, and Jew. Grounds included "refusal to work," "religious propaganda," "sex relations with PW's," "communist statements," "loafing on job," "working against the Reich," "spreading of rumors detrimental to morale," "Aktion Gitter," "breach of work contracts," "statements against Germany," "assault of foreman," "defeatist statements," "theft and escape from jail."

2239-PS. File of 42 telegrams sent by Amt IV, RSHA, to GESTAPO Office, Darmstadt, signed KALTENBRUNNER.

3. KALTENBRUNNER authorized executions in concentration camps.

Adolf ZUTTER, the adjutant of Mauthausen concentration camp, avers that, until the assassination of HEYDRICH orders for executions at Mauthausen were signed by HEYDRICH or his substitute, and that after KALTENBRUNNER became Chief of the Security Police and SD they were signed either by KALTENBRUNNER or by his substitute, MUELLER. ZUTTER mentions a specific instance in which KALTENBRUNNER ordered the execution of a group of 12 to 15 uniformed members of an American military mission.

L-51. Affidavit of Adolf ZUTTER, 2 August 1945.

4. KALTENBRUNNER had knowledge of the commitment of thousands of Warsaw Poles to concentration camps and refused to release them.

During the suppression of the Warsaw uprising of 1944 about 50,000 to 60,000 inhabitants of Warsaw were sent to concentration camps. As a result of entreaties by FRANK to HIMMLER the deportation was stopped. FRANK and BUEHLER, his State Secretary, requested KALTENBRUNNER to release the persons who had been committed. KALTENBRUNNER refused to

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release them on the grounds they were employed in making secret weapons for the Reich and declared that the number transported into concentration camps in the Reich as small. BUEHLER verified the fact that the number of persons so placed in concentration camps for forced labor was 50,000 to 60,000.

2476-PS. Affidavit of Josef BUEHLER, 4 November 1945.

5. KALTENBRUNNER controlled the deportation of Poles, Jews, and other non-Germans from Poland.

Otto HOFMANN, former Chief of the SS Main Office for Race and Settlement Matters, stated:

> "The execution of all so-called resettlement actions, that is, the sending away of Polish, Jewish, and people of non-German blood, inhabitants of a territory in Poland destined for Germanization was in the hands of the Chief of the RSHA, HEYDRICH, and, since the end of 1942, KALTENBRUNNER."

L-49. Affidavit of Otto HOFMANN, 4 August 1945.

6. KALTENBRUNNER ordered the deportation of Jews from Denmark.

In September 1943 HIMMLER ordered the Danish Jews arrested and shipped to Stettin and from there to Theresienstadt concentration camp. MILDNER, the Chief of the SIPO and SD telegraphed the RSHA to request that the Jewish persecutions be stopped. In reply he received an order from HIMMLER through KALTENBRUNNER to carry out the anti-Jewish action. Shortly thereafter MILDNER flew to Berlin to speak to KALTENBRUNNER personally about the matter. In KALTENBRUNNER's absence he spoke to MUELLER. After his return to Copenhagen, MILDNER recieved a direct order from HIMMLER through KALTENBRUNNER to carry out the anti-Jewish actions immediately.

2375-PS. Affidavit of Rudolf MILDNER, 22 June 1945.

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7. KALTENBRUNNER personally exercised punitive authority over foreign workers.

By order of KALTENBRUNNER Labor Reformatory Camps were established under the exclusive jurisdiction of the Security Police.

1063-PS. Copy of letter signed KALTENBRUNNER, 26 July 1934.

In addition to sending workers to Labor Reformatory Camps, KALTENBRUNNER, through orders for protective custody signed by him or by facsimile of his signature, committed workers to concentration camps. On 9 February 1945 a French citizen was sent to Buchenwald by order of KALTENBRUNNER for shirking work and insubordinate behavior. On 18 June 1943 a Pole was sent to Natzweiler "to be used as a skilled worker" by order of KALTENBRUNNER. On 2 December 1944 a citizen of the Netherlands was taken into protective custody "for work sabotage" by order of KALTENBRUNNER. On 2 December 1944 a French citizen was taken into protective custody for "work sabotage and insubmissive."

2582-PS. Telegrams ordering protective custody signed by KALTENBRUNNER.
2580-PS. Protective custody decrees signed KALTENBRUNNER.

8. KALTENBRUNNER personally attended to matters against Jews, political and concentration camp internees in the Protectorate.

A memorandum found among KALTENBRUNNER's personal effects states in part:

> "Radio message to Gruppenfuehrer FEGELEIN Hq. of the Führer through Sturmbannfuehrer Sansoni, Berlin.
>
> "Please report to RF SS and to the Fuehrer that all arrangements against Jews, political and concentration camp internees in the Protectorate have been taken care of by me personally today."

2519-PS. Undated memorandum for radio message from KALTENBRUNNER to FEGELEIN.

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9. KALTENBRUNNER personally ordered the SIPO and SD to encourage the populace to lynch American and English flyers.

In 1944 at a conference of Amt Chiefs KALTENBRUNNER said:

> "All offices of the SD and the security police are to be informed that pogroms of the populace against English and American terror-fliers were not to be interfered with; on the contrary, this hostile mood is to be fostered."
>
> 2990-PS. Affidavit of SCHELLENBERG, 18 November 1945.

10. KALTENBRUNNER personally worked out the form of justification to be submitted to cover up the execution of prisoners of war.

In connection with the shooting of some 50 re-captured prisoners of war who had escaped from a prisoner of war camp near Breslau, KALTENBRUNNER worked out with MUELLER and NEBE the false reasons which were to be given to the Red Cross, that is, that they had been killed by bomb attacks, or shot while escaping, or resisting arrest.

> 2990-PS. Affidavit of SCHELLENBERG, 18 November 1945.

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ARGUMENT AND CONSLUSION

KALTENBRUNNER was a life-long fanatical Nazi. He was the leader of the SS in Austria prior to the Anschluss and played a leading role in the betrayal of his native country to the Nazi conspirators. As Higher SS and Police Leader in Austria after the Anschluss he supervised and had knowledge of the activities of the GESTAPO and the SD in Austria. He had much to do with developing Mauthausen concentration camp and visited it frequently. On at least one occasion he observed the gas chamber in action. With this knowledge and background he accepted in January 1943 appointment as chief of the very agencies which sent such victims to their deaths. He held that office to the end, rising to high prominence in the conspiracy, receiving honors from HITLER and gaining HITLER's personal confidence.

Like other Nazis, KALTENBRUNNER sought power. To gain it, he wrote his name in blood - a name to be remembered as a symbol for cruelty, degradation, and death.

Respectfully submitted:

Whitney R. Harris

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Section 6

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INTERNATIONAL MILITARY TRIBUNAL

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